

JAN 19 2016

JULIA C. DODLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA

Case No. 7:04-cr-00128-1

v.

ORDER

WENDELL ANTONIO JOHNSON,
Petitioner.

By: Hon. Michael F. Urbanski
United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED

that Petitioner's "motion for relief pursuant to Fed. R. Civ. P. 60(b)(6)" is **CONSTRUED** as a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255; the construed § 2255 motion is **DISMISSED** without prejudice as a successive; a certificate of appealability is **DENIED**; and the case is **STRICKEN** from the active docket.

The Clerk shall send copies of this Order and the accompanying Memorandum Opinion to Petitioner and counsel of record.

ENTER: This 18th day of January, 2016.

/s/ Michael F. Urbanski

United States District Judge